

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOHN CORDOVA,

Plaintiff,

vs.

No. 1:19-cv-00377-RB/KRS

LEA COUNTY DETENTION CENTER,
LEA COUNTY, WARDEN RUBEN
QUINTANA, in his individual capacity,
JOHN/JANE DOE CHIEF OF SECURITY
FOR LEA COUNTY DETENTION CENTER in
his/her individual capacity, LIEUTENTANT
JOHEL MALDONADO in his individual
capacity, OFFICER JOE PORTILLO in his
individual capacity, OFFICER ERIC BLAND in his
individual capacity, and OFFICER DILLON PHIPPS
in his individual capacity,

Defendants.

ORDER GRANTING JOINT MOTION TO APPOINT GUARDIAN AD LITEM

The Court, having read the Joint Motion to Appoint Guardian ad Litem (Doc. 63), and being otherwise fully informed,

FINDS that good cause exists for the appointment of a Guardian ad Litem to investigate, on behalf of the Court, the issues raised in the above-styled and numbered cause, to report to the Court her conclusions, and to take whatever action is necessary and appropriate to effectuate that end.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. Nicole Charlebois is hereby appointed by the Court, as Guardian Ad Litem in this cause.

2. As the court-appointed Guardian Ad Litem, Nicole Charlebois shall be deemed a party entitled to participate, to have notice of all proceedings, and to receive copies of all pleadings and correspondence among the parties.

3. The Guardian Ad Litem shall be deemed an arm and friend of the Court and is appointed to assist the Court in discharging its duties to the plaintiff. The Guardian Ad Litem shall conduct an independent investigation of all matters relevant to the issues in this cause, shall report to the parties and to the Court her conclusions with respect to such investigation, and shall undertake whatever formal or other actions he deems necessary or appropriate to implement conclusions in connection with this action.

4. At any hearing in this case, the Guardian Ad Litem will be entitled to testify as a witness or may informally report to the Court on the nature and scope of her investigation, her conclusions and her recommendations regarding both the fairness and reasonableness of the proposed settlement and the manner in which the settlement monies shall be held/used on behalf of the plaintiff.

5. The Guardian Ad Litem shall have access to all medical records and bills regarding the assault which occurred on April 29, 2017.

6. There are strong public policy reasons to grant immunity to the Guardian Ad Litem in this case, who is acting as an "Arm of the Court" as the Judge's assistant, and is performing an essential role in this Court's administration of justice. Accordingly, all immunities and privileges available to the Guardian Ad Litem, as articulated by the New Mexico Supreme Court in Collins v. Tabet, 111 NM 391, 806 P.2d 40 (1991), shall be extended to the Guardian Ad Litem in this matter. Nicole Charlebois shall be absolutely immune from any liability for any actions taken pursuant to this appointment, insofar as her conduct in this case involves an investigation on behalf of this Court into the fairness and reasonableness of the settlement and the manner in which the settlement monies will be held/used on behalf of the plaintiff.

7. The Guardian Ad Litem's duties and obligations in this case are owed to the Court and not to the plaintiff.

8. The Guardian Ad Litem's reasonable fees shall be paid by Defendants.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE